

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 3/4/14

DISH NETWORK L.L.C. F/K/A ECHOSTAR  
SATELLITE L.L.C.,

09-CIV-6875 (JGK) (FM)

Plaintiffs,

v.

ESPN, INC. and ESPN CLASSIC, INC.,

Defendants.

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

WHEREAS, Plaintiff DISH Network L.L.C. f/k/a EchoStar Satellite L.L.C. ("DISH") filed an action titled *DISH Network L.L.C. f/k/a EchoStar Satellite L.L.C. v. ESPN, Inc. and ESPN Classic, Inc.*, No. 09-CIV-6875(JGK)(FM) (S.D.N.Y.), on August 4, 2009 (the "Action"), against defendants ESPN, Inc. and ESPN Classic, Inc. (collectively, "Defendants" or "ESPN", and collectively with Plaintiff, the "Parties"); and

WHEREAS, on February 28, 2013, a jury issued a verdict in the Action following trial; and

WHEREAS, Judgment was entered on March 1, 2013; and

WHEREAS, Defendants moved to recover their attorneys' fees on April 2, 2013; and

WHEREAS, Plaintiff cross-moved to recover their attorneys' fees on May 1, 2013; and

WHEREAS, on April 1, 2013, Plaintiff filed a Notice of Appeal at the United States Court of Appeals for the Second Circuit (the "Second Circuit"), which, pursuant to a stipulation between the parties, was withdrawn with leave to re-file pursuant to Local Rule 42.1, which stipulation was So-Ordered by the Clerk of the Second Circuit on June 17, 2013,

with extensions to the deadline to re-file So-Ordered by the Clerk of the Second Circuit on October 10, 2013, December 12, 2013, and January 27, 2014; and

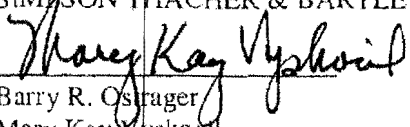
WHEREAS, the Parties now desire to finally resolve all remaining disputes in the Action;

The parties, therefore, agree to the following pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure:

1. ESPN hereby withdraws its motion for attorneys' fees dated April 2, 2013, currently pending before the District Court.
2. Plaintiff hereby withdraws its cross-motion for attorneys' fees dated May 1, 2013, currently pending before the District Court;
3. The Action is dismissed with prejudice.
4. All parties will bear their own attorneys' fees, costs, and expenses.

Dated: March 4, 2014

SIMPSON THACHER & BARTLETT LLP

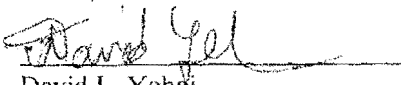
  
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**IT IS SO ORDERED.**

Dated: 3/4/14

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U.S.D.J.